

CITY COUNCIL MEETING

September 30, 2014

7:00 p.m.

The Mayor called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Council Members Stange, Bixby, Navarrette, Hoppe, Kuhns, Eairleywine, Johnson and Anderson present – 8 present, 0 absent.

Moved by Council Member Eairleywine, seconded by Council Member Navarrette to open the public hearing on the Comprehensive Revitalization Supplemental 2014 Grant Application. Roll call vote: 8 ayes. Motion carried.

Jean Kaup Van Iperen, Office Services Associate, City of Fremont, stated the Nebraska Department of Economic Development had funds left over from a prior CR grant program and are therefore offering a supplemental program that Fremont qualifies to apply for. She stated the original target area of Hancock Street did not qualify as it did not benefit an area that is over 51% low to moderate income level. The City was allowed to use street improvements on 6th Street from M to Marvin thus the grant application budget would be revised down to \$166,500 in CDBG funds for street improvements, with \$83,500 local matching funds provided by the City. Ms. Van Iperen stated the grant administration funds would be \$18,500 from the CDBG funds bringing the total grant amount to \$268,500 with CDBG funds. The City's \$83,500 match is for a street that was originally budgeted for in the 1&6 Year Street Plan.

Council Member Navarrette inquired if Northeast Nebraska Economic Development District made the initial calculation for low to moderate income.

Jean Kaup Van Iperen stated the US Census Bureau just recently changed the LMI classifications in September and a lot of percentages changed from the target area. She stated some of the areas that were 51% went to 63% and some areas that were 47% went down to 26%. She further stated she was not sure how the Census came up with the numbers or if populations just shifted into sections but the shifts did affect target areas.

Moved by Council Member Anderson, seconded by Council Member Johnson to close the public hearing on the Comprehensive Revitalization Supplemental 2014 Grant Application. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Bixby, seconded by Council Member Kuhns to approve Resolution No. 2014-191 authorizing the Mayor to sign 14CR Supplemental Community Development Block Grant Funds application. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Bixby, seconded by Council Member Anderson to open the public hearing on the Community Development Block Grant 11CR003 Comprehensive Revitalization Project. Roll call vote: 8 ayes. Motion carried.

There being no testimony, moved by Council Member Navarrette, seconded by Council Member Bixby to close the public hearing. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Kuhns, seconded by Council Member Stange to open the public hearing for the 2014 Land and Water Conservation Fund Grant application for putting restrooms in John C. Fremont Park. Roll call vote: 8 ayes. Motion carried.

Steve Dahl, 521 East 5th Street, inquired why the restroom wasn't being built downtown and who will be in charge of taking care of them.

Parks Director Dan Seder stated the City is looking for doing some improvements in John C Fremont Park.

City Administrator Dale Shotkoski stated city staff is actively looking for grants where there are planned improvements at a city facility to help with the cost. He stated this grant had a public land requirement and a public use requirement. John C Fremont Park has playground equipment and little kids going to the park. The restrooms would be a permanent fixture with the Parks Department maintaining them.

Jean Kaup Van Iperen, Office Services Associate, also stated the grant required public land use. She stated a survey was completed on the Fremont Parks. Responses from the survey showed John C Fremont Park is the second most highly used park in the city behind Clemmons and that over 300 people responded with a request for a bathroom in the park. The cost of the project is estimated at \$120,000 with a \$60,000 match. Ms. Van Iperen stated she contacted MainStreet of Fremont, Fremont and Dodge County Convention and Visitors Bureau, John C Fremont Days Incorporated and the Downtown District group to see if they would be willing to assist with thematch.

Moved by Council Member Stange, seconded by Council Member Johnson to close the public hearing for the 2014 Land and Water Conservation Fund Grant application for restrooms in John C. Fremont Park. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Hoppe, seconded by Council Member Johnson to approve Resolution No. 2014-192 approving 2014 Land and Water Conservation Fund Grant application for restrooms in John C. Fremont Park. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Eairleywine, seconded by Council Member Kuhns to approve the consent agenda. Roll call vote: 8 ayes. Motion carried.

- Dispense with reading of and approve September 9, 2014 minutes
- September 10 – September 30, 2014 claims
- Excavation license application for Michael Moeller & Great Plains Communication and Chris Wulf & Great Plains Communication and Robert Marksmeier and Great Plains Communication
- Resolution No. 2014-193 approving agreement with Tutor.com for Keene Memorial Library
- Resolution No. 2014-194 assessing nuisance lien against 1233 E 18th, owner: Steve & Cindy Kelsey
- Resolution No. 2014-195 assessing nuisance lien against 210 W 23rd, owner: Maple Holdings LLC

- Resolution No. 2014-196 assessing nuisance lien against 725 E Military, owner: Bank of New York Mellon
- Receive and file reports from Keep Fremont Beautiful as required by service agreement
- Resolution No. 2014-197 approving Special Designated Permit application for Moonshine Hole LLC, 1730 Christensen Field Road, November 1, 2014, dance, reception; Burtonian Enterprise LLC, 1682 East 23rd Avenue North, October 4, 2014, fund raiser; DeSauce Development, 1710 West 16th, October 9, 2014, reception; Jack Barta, 1750 E Military, October 18, 2014, other; Jack Barta, East 10th Street, October 17, 2014, reception Rise's Drive - In Liquor Inc., RR #1, October 17&18, 2014, beer garden
- Resolution No. 2014-198 to consume alcohol on city property for Brandon Wolfe, City Auditorium, January 10, 2015, wedding reception; Maria Castro, City Auditorium, May 30, 2015, birthday; Ashley Rector, City Auditorium, August 29, 2015, wedding reception
- Resolution No. 2014-199 to accept and award bid to American Fence Company in the amount of \$54,677.70 for well field chain link fence project
- Cement license application of Russell Zuroski and JDM Concrete Inc.
- Resolution No. 2014-200 approving Dodge County Mutual Aid Interlocal Agreement
- Resolution No. 2014-201 designating City Administrator and Human Resource Director as Trustees for City of Fremont Deferred Compensation Fund (457-b)
- Resolution No. 2014-202 to approve the request of Arlyn Ploen to re-plat part of Sampson's Addition, Block F into a single lot
- Resolution No. 2014-203 to approve the request of Borisow Homes LLC to re-plat of Central Park Addition, Lot 5, Block 3 into two lots
- Resolution No. 2014-204 to concur with and approve dedication of permanent easement by Midland University for construction of round-about at East 10th Street and North Logan and rescind Resolution No. 2014-115
- Commitment of fund balance for Immigration Ordinance Defense and implementation/enforcement
- Balance Sheet by Fund and Statements of Revenues & Expenditures
- Application for Reconstruction from MLB Team LLC dba The Quick Spot, 740 N Davenport

Moved by Council Member Kuhns, seconded by Council Member Navarrette to approve the request of Fremont/Bergan Post Prom Committee for fee waiver of approximately \$907.50 at Christensen Field from April 24 thru 26, 2014 for post prom event. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Anderson, seconded by Council Member Hoppe to accept and file documents as presented by Judy's Beauty Cove, 2107 North Clarkson. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Bixby, seconded by Council Member Hoppe to introduce an Ordinance to amend Zoning Ordinance 3939, Article 2, pertaining to the definition of Home Base Business/Home Occupation. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance to amend Zoning Ordinance 3939, Article 2, pertaining to the definition of Home Base Business/Home Occupation. The second reading will be at the next regular Council meeting.

Moved by Council Member Kuhns, seconded by Council Member Stange to introduce an Ordinance to amend Zoning Ordinance 3939, Article 4, pertaining to permitted uses as they relate to Home Based Businesses and Home Occupations. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance to amend Zoning Ordinance 3939, Article 4, pertaining to permitted uses as they relate to Home Based Businesses and Home Occupations. The second reading will be at the next regular Council meeting.

Moved by Council Member Bixby, seconded by Council Member Kuhns to amend the Ordinance amending Zoning Ordinance 3939, Article 4, pertaining to permitted uses as they relate to Home Based Businesses and Home Occupations by including R1 districts as conditional use permits for home based occupations. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Eairleywine, seconded by Council Member Stange to introduce an Ordinance to amend Zoning Ordinance 3939, Article 6, pertaining to Section 611, Supplemental Use Regulations: Accessory Uses part a. Home-Based Businesses/Home Occupations. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance to amend Zoning Ordinance 3939, Article 6, pertaining to Section 611, Supplemental Use Regulations: Accessory Uses part a. Home-Based Businesses/Home Occupations. The second reading will be at the next regular Council meeting.

Moved by Council Member Hoppe, seconded by Council Member Navarrette to approve Change Order #2 in the amount of \$30,335.08 to Steve Harris Construction for 2013 West Military Widening, Pierce to Ridge Road. Roll call vote: 8 ayes. Motion carried.

The Mayor announced the next meeting would be October 14, 2014 at 7:00 p.m.

Moved by Council Member Bixby, seconded by Council Member Anderson to adjourn the meeting. Roll call vote: 8 ayes. Motion carried. Meeting adjourned at 7:54 p.m.

I, Kimberly Volk, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Kimberly Volk, MMC, City Clerk